IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

OP.No. 38612 of 2001(V)

PETITIONER:

MAHILA SAMAJAM, VARKALA,
REP.BY ITS SECRETARY SMT.SULEKHA D.,
WIFE OF SURESH BABU, BABU BHAVAN,
CHILAKKOR, VARKLA.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY ITS SECRETARY,**
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. **VARKALA HOUSING CO- OPERATIVE SOCIETY,**
VARKALA.

BY GOVERNMENT PLEADER SRI.MANOJ KUMAR
SRI.SEBASTIAN DAVIS

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.63412/2001 IN OP. NO.38612/2001

DISMISSED

04.07.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE REGISTRAR OF COMPANIES DT. 20.8.63.

EXT.P2:- COPY OF THE TAX RECEIPT DT. 15.2.1965.

EXT.P3:- COPY OF THE TAX RECEIPT DT. 25.8.2000.

EXT.P4:- SOME PHOTOGRAPHS OF THE BUILDINGS.

EXT.P5:- ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY AND THE BUILDINGS.

EXT.P6:- COPY OF THE LETTER NO.PW1-121/77 ISSUED BY THE SPL. OFFICER, TO THE OFFICE OF THE MUNICIPAL COUNCIL, VARKALA, DT. 22.12.1987.

EXT.P7:- COPY OF THE LETTER NO.53444/U1/99/REVENUE , DT 4.8.2000 ISSUED BY THE 1ST RESPONDENT TO THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH J.

O.P. NO.38612 OF 2001

Dated 4th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "To issue a writ, direction or order in the nature of mandamus commanding the first respondent not to allot or lease out the 61 cents of property in Survey No.2613/C-76 of the Varkala Village to any other persons."

The stand taken in the counter affidavit is that since the major portion of the total extent of 61 cents of land is kept unutilized by the petitioner society, a proposal was made to assign 20 cents of land in favour of the second respondent and another 10 cents to AKG Memorial. It is the contention of the petitioner that there is no public purpose in these assignments. In view of the stand taken in the counter affidavit that the requirement of the petitioner is only for 30 cents, in case the petitioner has still any grievance or dispute on the facts, petitioner may approach the first respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO.38612 OF 2001 (V)

J U D G M E N T

Dated 4th July, 2007.